

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Feb 10, 2025**

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

WALL STREET APARTMENTS,  
LLC and ALAA ELKHARWILY,

Plaintiff,

v.

CITY OF SPOKANE, LUIS  
GARCIA, DERMOTT MURPHY,  
LAND DAHL, BRIAN  
SCHAEFFER, NATHAN MULKEY  
and JASON RUFFING,

Defendants.

NO. 2:23-CV-0262-TOR

ORDER DENYING  
RECONSIDERATION AND  
GRANTING DISQUALIFICATION

BEFORE THE COURT are Plaintiff Alaa Elkhawily's two Motions for Reconsideration (ECF Nos. 55 and 56) and Motion to Expedite (ECF No. 54). Also before the Court is Defendants' Motion to Disqualify Counsel (ECF No. 51).

The Court has reviewed the record and files herein, the completed briefing, and is fully informed. For the reasons discussed below, Plaintiff's Motions for

ORDER DENYING RECONSIDERATION AND GRANTING  
DISQUALIFICATION ~ 1

1 Reconsideration (ECF Nos. 55 and 56) are **denied**. Defendants' Motion to  
2 Disqualify Counsel (ECF No. 51) is **granted**.

3 Plaintiff has come forward with no legitimate reason to reconsider the  
4 Court's ruling denying a stay in this case. Accordingly, Plaintiff's motions are  
5 denied.

6 Plaintiff's designated lead attorney of record for this case is Richard T.  
7 Wylie ("Wylie"), a Minnesota bar licensed attorney appearing pro hac vice for this  
8 case (ECF No. 10). Pursuant to Local Rule 83.2(c):

9 Any member in good standing of the bar of any court of the United  
10 States, or of the highest court of any state, or of any organized  
11 territory of the United States, and who neither resides nor maintains  
12 an office for the practice of law in the State of Washington, may be  
13 permitted upon a showing of particular need to appear and participate  
14 in a particular case. There shall be joined of record in such appearance  
15 an associated attorney admitted to practice in this Court who shall  
16 sign all pleadings, motions, and other papers prior to filing and shall  
17 meaningfully participate in the case.

18 The prior associated attorney admitted to practice law in Washington was  
19 previously terminated from representation in this case. Wylie was given a Clerk's  
20 Notice of Deficiency on October 11, 2024. ECF No. 37.

Four months have elapsed and Plaintiff has no local counsel. Because  
Richard T. Wylie cannot appear on his own, he must be disqualified as pro hac  
vice counsel on this case. Plaintiff Wall Street Apartments, LLC must be  
represented by an attorney. In federal court, "corporations and other

unincorporated associations must appear in court through an attorney.” *In re Am. W. Airlines*, 40 F.3d 1058, 1059 (9th Cir. 1994). Plaintiff Wall Street Apartments, LLC must retain local counsel in compliance with Local Rule 83.2(c), or the case will be dismissed.

**ACCORDINGLY, IT IS HEREBY ORDERED:**

1. Plaintiff Alaa Elkhawily’s two Motions for Reconsideration (ECF Nos. 55 and 56) are **DENIED**.
2. Plaintiff’s Motion to Expedite (ECF No. 54) is **GRANTED**.
3. Defendants’ Motion to Disqualify Counsel (ECF No. 51) is **GRANTED**.

The Clerk of Court shall **terminate** Richard T. Wylie as pro hac vice counsel in this case.

The District Court Executive is directed to enter this Order and furnish copies to counsel and Mr. Elkhawily.

DATED February 10, 2025.



*Thomas O. Rice*  
THOMAS O. RICE  
United States District Judge